

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

SANDRA M. PETERS, on behalf of
herself and all others similarly situated,

Plaintiff,

v.

AETNA INC., AETNA LIFE
INSURANCE COMPANY, and
OPTUMHEALTH CARE SOLUTIONS,
INC.,

Defendants.

Case No. 1:15-cv-00109-MR

**OPTUM’S RESPONSE TO FILINGS BY
PLAINTIFF AND AETNA DEFENDANTS**

In its December 6 status report, Class Counsel and Aetna wrote: “The day after the Court’s November 7 Order, a draft term sheet was circulated among all parties. Unfortunately, *for the first time*, on the evening of December 2, it became clear that Optum’s understanding of one of the negotiated terms was inconsistent with the understanding of the Settling Parties.” Dkt. 312 at 1–2.

Optum writes to correct the record:

- On November 6, Optum received written confirmation from both Class Counsel and counsel for Aetna that the settlement would “include a release of all claims against [Optum] and any related entity.”

- Following circulation of the draft term sheet, Optum’s counsel provided edits to Aetna’s counsel on November 11, reflecting a full release of all claims against Optum.
- Aetna’s counsel provided the revised language reflecting a full release—along with other changes—to Class Counsel on November 25.
- Class Counsel rejected that proposed language on November 27.
- Following discussions on December 2, Optum learned for the first time that Class Counsel would not agree to full release.

Class Counsel also suggests in its “response” that Optum failed to satisfy its meet and confer obligations. *See* Dkt. 315 at 2. That is incorrect. Optum’s counsel asked Class Counsel if the Classes would consent to briefing summary judgment before a bench trial. Class Counsel stated that they oppose. Optum’s submission reflects the Classes’ opposition.

Dated: December 9, 2024.

Respectfully submitted,

/s/ Brian D. Boone

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CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of December 2024, a copy of the foregoing was electronically filed with the clerk of the court of the United States District Court, Western District of North Carolina, Asheville Division, and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Brian D. Boone

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Counsel for Defendant

OptumHealth Care Solutions, Inc.